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1989

SURFACE RIGHTS BOARD

EIGHTEENTH ANNUAL REPORT

1989

Alberta
Surface Rights Board

92-00165/

EIGHTEENTH ANNUAL REPORT

of the

SURFACE RIGHTS BOARD

appointed under

the SURFACE RIGHTS ACT

for the year 1989

C.J. (CEC) PURVES

CHAIRMAN

L.N. MILLER

VICE-CHAIRMAN

MEMBERS:

J.J. Leddy

A.D. MacKenzie

W.D. Fisher

T.A. Champion

Executive Director
and
Secretary to Board

Honourable Shirley McClellan
Associate Minister of Agriculture
Room 126, Legislature Building
EDMONTON, Alberta
T5K 2B6

Madam:

I have the honor to submit the Eighteenth Annual Report of the Surface Rights Board for the calendar year 1989.

I have continued our policy of making myself as Chairman of the Board, and Members available to the public or any organization.

I have attended a variety of meetings with landowners, surface rights groups, oil industry and the Farmers' Advocate for general discussions during the year.

From Statement 13, the average well licences issued for the last four years and the number of Board applications average 2.9%. At 3.1% during 1989, it is apparent this area has stabilized.

The number of orders issued in 1989 totalled 3,399, the breakdown of which is as follows:

Right of Entry:	Mineral Recovery	117
	Power Transmission Lines.	0
	Pipelines	124
	Coal.....	0
	SUBTOTAL	241
Compensation		214
Termination		115
Rescission		26
Amending		1246
Order Determining Costs		1
Partial Termination		16
Termination of P.U.B. Order		0
Varying Rate of Compensation		588
Varying Rate of Compensation and Amending ...		952
		3,399

Attached also is Chart Number 13 indicating the number and type of applications filed with the Board compared to the number and type of licences issued by the E.R.C.B. We have included percentages where meaningful.

Respectfully submitted.

C. J. (Cec) Purves
Chairman

STATEMENT 1

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR OIL AND GAS
dealt with in 1989

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	25	27	52
Received during the year	52	89	141
	77	116	193
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	50	62	112
- settled independently of Board	11	20	31
No Right of Entry granted			
- application withdrawn	1	3	4
- settled privately	6	18	24
	68	103	171
APPLICATIONS OUTSTANDING:	9	13	22

STATEMENT 2

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR PIPELINES
dealt with in 1989

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	31	17	48
Received during the year	14	125	139
	45	142	187
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	19	78	97
- settled independently of Board	18	5	23
No Right of Entry granted			
- application withdrawn	0	2	2
- settled privately	2	8	10
	39	93	132
APPLICATIONS OUTSTANDING:	6	49	55

STATEMENT 3

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR POWER TRANSMISSION LINES
dealt with in 1989

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	0	2	2
Received during the year	0	0	0
	0	2	2
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	0	1	1
- settled independently of Board	0	0	0
No Right of Entry granted			
- application withdrawn	0	0	0
- settled privately	0	0	0
	0	1	1
APPLICATIONS OUTSTANDING:	0	1	1

STATEMENT 4

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT FOR RIGHT OF ENTRY FOR COAL AND OTHER dealt with in 1989

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	0	1	1
Received during the year	0	0	0
	0	1	1
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	0	1	1
- settled independently of Board	0	0	0
No Right of Entry granted			
- application withdrawn	0	0	0
- settled privately	0	0	0
	0	1	1
APPLICATIONS OUTSTANDING:	0	0	0

STATEMENT 5

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT FOR ALL APPLICATIONS FOR RIGHT OF ENTRY dealt with in 1989

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	56	47	103
Received during the year	66	214	280
	122	261	383
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	69	142	211
- settled independently of Board	29	25	54
No Right of Entry granted			
- application withdrawn	1	5	6
- settled privately	8	26	34
	107	198	305
APPLICATIONS OUTSTANDING:	15	63	78

STATEMENT 6

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT FOR TERMINATION OF RIGHT OF ENTRY IN FULL dealt with in 1989

	CROWN	PRIVATE	TOTAL
APPLICATIONS RECEIVED:			
Carried over from previous year	3	3	6
Received during the year	54	63	117
	57	66	123
APPLICATIONS DISPOSED OF:			
Request for termination granted	55	62	117
Request for termination withdrawn	0	1	1
	55	63	118
APPLICATIONS OUTSTANDING:	2	3	5

STATEMENT 7

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION IN PART OF RIGHT OF ENTRY
dealt with in 1989

	CROWN	PRIVATE	TOTAL
APPLICATIONS RECEIVED:			
Carried over from previous year	1	1	2
Received during the year	11	5	16
	12	6	18
APPLICATIONS DISPOSED OF:			
Request for termination in part granted	12	4	16
Request for termination in part withdrawn ...	0	1	1
	12	5	17
APPLICATIONS OUTSTANDING:	0	1	1

STATEMENT 8

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 27 OF THE SURFACE RIGHTS ACT
dealt with in 1989

APPLICATIONS RECEIVED:	
Carried over from previous year	40
Received during the year	75
	115
APPLICATIONS DISPOSED OF:	
Heard and compensation determined	33
Settled independently of Board	17
Withdrawn	3
Rejected - lack of jurisdiction	0
	53
APPLICATIONS OUTSTANDING:	62

STATEMENT 9

SURFACE RIGHTS BOARD

SUMMARY OF SETTLEMENTS OF DISPUTES PURSUANT TO SECTION 33 OF THE SURFACE RIGHTS ACT dealt with in 1989

APPLICATIONS RECEIVED:

Carried over from previous year	4
Received during the year	5
	9

APPLICATIONS DISPOSED OF:

Heard and compensation determined	1
Settled independently of Board	3
Withdrawn	1
Rejected - lack of jurisdiction	0
	5

APPLICATIONS OUTSTANDING: 4

STATEMENT 10

SURFACE RIGHTS BOARD

SUMMARY OF ALL APPLICATIONS FOR RECOVERY OF RENTAL PURSUANT TO SECTION 39 OF THE SURFACE RIGHTS ACT dealt with in 1989

APPLICATIONS RECEIVED:

Carried over from previous year	67
Received during the year	152
	219

APPLICATIONS DISPOSED OF:

Completed:	
Paid by Provincial Treasurer	106
Paid by Operator	65
Rejected - lack of jurisdiction	2
Discontinued	11
	184

APPLICATIONS OUTSTANDING: 35

STATEMENT 11

SURFACE RIGHTS BOARD

SUMMARY OF BOARD HEARINGS DURING 1989

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTALS
NO. OF APPLICATIONS SCHEDULED	53	41	40	30	35	67	48	45	35	57	53	46	550
NO. OF APPLICATIONS RESCHEDULED	13	4	9	6	4	2	24	15	2	18	3	8	108
NO. OF APPLICATIONS SETTLED	24	9	1	0	9	5	3	14	7	9	17	7	105
NO. OF APPLICATIONS ADJOURNED	0	0	1	6	0	39	1	0	2	0	0	18	67
NO. OF APPLICATIONS POSTPONED	1	1	1	2	0	0	0	0	0	0	0	0	5
TOTALS	38	14	12	14	13	46	28	29	11	27	20	33	285
NO. OF APPLICATIONS HEARD AND COMPLETED													
Mineral Recovery	5	13	22	13	8	9	7	5	8	9	11	2	112
Pipelines	3	11	3	2	3	11	12	8	14	9	3	8	87
Power Transmission lines	0	0	0	0	0	1	0	0	0	0	0	0	1
Objections	0	0	0	0	0	0	0	0	0	0	0	0	0
Damages	1	0	2	0	1	0	0	0	0	0	0	0	4
Reviews	2	2	1	1	9	0	1	2	1	12	17	3	51
Costs	0	0	0	0	0	0	0	1	0	0	0	0	1
Inquiries	1	1	0	0	1	0	0	0	1	0	0	0	4
Coal Mines	1	0	0	0	0	0	0	0	0	0	0	0	1
Expropriation	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	2	0	0	0	0	0	0	0	0	0	2	0	4
TOTALS	15	27	28	16	22	21	20	16	24	30	33	13	265

STATEMENT 12

1989 APPEALS

Outstanding appeals prior to year end of 1984	2
Outstanding appeals filed in the year of 1985	4
Outstanding appeals filed in the year of 1986	4
Outstanding appeals filed in the year of 1987	25
Outstanding appeals filed in the year of 1988	12
Appeals received during the year of 1989	8
Total appeals carried-over and received in 1989.....	55

Less: Appeals Abandoned, Settled or Withdrawn in 1989

Appeals filed prior of year end of 1984 ..	0
Appeals filed in the year of 1985	1
Appeals filed in the year of 1986	1
Appeals filed in the year of 1987	0
Appeals filed in the year of 1988	2
Appeals filed in the year of 1989	1
Subtotal	5

Less: Court Action in 1989

Heard: Board's award upheld or confirmed

On appeals filed prior to 1984	0
On appeals filed in the year of 1985 ..	0
On appeals filed in the year of 1986 ..	0
On appeals filed in the year of 1987 ..	1
On appeals filed in the year of 1988 ..	2
On appeals filed in the year of 1989 ..	0

Heard: Board's award Increased

On appeals filed prior to 1984	0
On appeals filed in the year of 1985 ..	0
On appeals filed in the year of 1986 ..	0
On appeals filed in the year of 1987 ..	0
On appeals filed in the year of 1988 ..	1
On appeals filed in the year of 1989 ..	0

Heard: Board's award Decreased

On appeals filed prior to 1984	0
On appeals filed in the year of 1985 ..	0
On appeals filed in the year of 1986 ..	0
On appeals filed in the year of 1987 ..	0
On appeals filed in the year of 1988 ..	0
On appeals filed in the year of 1989 ..	0
Subtotal	4

Appeals Outstanding at 1989 year end 46

STATEMENT 13

SURFACE RIGHTS BOARD

NUMBER OF E.R.C.B. PERMITS AND WELL LICENCES
COMPARED
TO SURFACE RIGHTS BOARD APPLICATIONS

1989	E.R.C.B.	SURFACE RIGHTS BOARD	PERCENTAGE
Well Licences	4,500	141	3.1
Pipeline Permits	1,898	139	7.3
1988			
Well Licences	7,163	167	2.3
Pipeline Permits	2,106	148	7.0
1987			
Well Licences	5,426	192	3.5
Pipeline Permits	1,991	109	5.4
1986			
Well Licences	4,620	141	3.1
Pipeline Permits	2,095	173	8.2
1985			
Well Licences	8,763	409	4.7
Pipeline Permits	2,127	272	12.8
1984			
Well Licences	7,178	383	5.4
Pipeline Permits	2,005	357	17.8

The E.R.C.B. processes approximately 100 applications per year in their Hydro and Power Line Divisions, but these include many applications for changes to existing structures such as substations, so a meaningful comparison to Surface Rights Board applications is not possible.